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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,450	03/14/2002	Horst Weber	47970/DBP	2974

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,450

Applicant(s)

WEBER ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/02, 10/15/02 and 10/29/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2+5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction filed October 15, 2002 has been approved. However, the drawings are objected to because the reference character "3" in figures 4-7 and 10 should not be underlined . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because "carrie rs" on line 5 appears to be a typographical error. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the integral nature of the carrier plate and guide rail.

Claim Rejections - 35 USC § 112

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "mounted on" on line 2 of claim 1 render the claims indefinite because it is unclear how the guide rail can be formed from the carrier plate and mounted on the carrier plate at the same time. It would appear that if the guide rail were formed from the carrier plate then it could not be mounted on the carrier plate.

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Recitations such as “engages through the slot” on line 6 of claim 1 render the claims indefinite because it is unclear what the carrier engages. Is the applicant attempting to set forth that the carrier extends through the slot to engage the inside of the guide rail?

Recitations such as “the reversing device” on line 9 of claim 1 render the claims indefinite because it is unclear which one of the plurality of reversing devices set forth above the applicant is referring to. Recitations such as “undertakes” on line 10 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant setting forth that the carrier plate actually separates and seals? Recitations such as “function” on line 10 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant attempting to invoke 35 USC 112 paragraph 6? Recitations such as “shaped from” on line 11 of claim 1 render the claims indefinite because it is unclear if the applicant is attempting to set forth a product by process limitation or set forth the product itself.

Recitations such as “designed” on line 1 of claim 2 render the claims indefinite because it is unclear if the cover is actually flat or merely designed to be flat? Recitations such as “of at least one of the carrier plate and the at least one guide rail” on lines 2-3 of claim 2 render the claims indefinite because it is unclear how the guide rail can have the base surface since the base surface was defined as part of the carrier plate above.

Recitation such as “one of shaped out of . . . at least one of grooves, slots and hooks” on lines 3-4 of claim 6 render the claims indefinite because it is unclear how the guide rail can be formed from the carrier plate and coupled to the carrier plate at the same time. It would appear that if the guide rail were formed from the carrier plate then it

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could not be coupled to the carrier plate. Recitations such as "moulded" should be changed to the proper U.S. spelling. Recitations such as "a sheet metal angle" on line 2 of claim 10 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "a through axis about a transverse axis" on lines 3-4 of claim 14 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "the outside and inside" on line 4 of claim 14 render the claims indefinite because it is unclear what element of the invention the applicant is referring to. What element of the invention has the inside and outside the applicant is referring to? Recitations such as "a base surface" on line 2 of claim 16 render the claims indefinite because it is unclear if the applicant is referring to the base surface set forth above or is attempting to set forth another base surface in addition to the one set forth above. Recitations such as "like" on line 2 of claim 18 render the claims indefinite because it is unclear if the upper and lower regions of the guide rail are formed as ramps or like ramps. How much like a ramp must a structure be before it can be referred to as "like a ramp"?

Allowable Subject Matter

Claims 1-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior

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art of record fails to teach a cable or Bowden cable window lifter having at least one carrier which bears at least in part against an outside of the guide rail and through the slot to engage an inside of the guide rail wherein the carrier plate is adapted to seal a dry side of the door from a wet side of the door and the at least one guide rail is a homogeneous part of the carrier plate such that the guide rail protrudes from one side of the carrier plate and the side of the carrier plate opposite the guide rail is provided with a cover that provides a moisture seal. See lines 4-6 and 10-12 of claim 1 which set forth less precise language. It should be noted that the applicant **must** amend claim 1 to substantially recite the language above before the application can be allowed.

Although references such as Engelsberger et al. '157 and '580 disclose a guide rail 1.1 that could be integrally molded with the carrier plate 1, one with ordinary skill in the art would not be motivated, absent the applicant's disclosure, to provide a side of the carrier plate opposite the guide rail with a cover that provides a moisture seal since the carrier plate would provide the moisture seal itself. Moreover, even through references such as PCT Patent Application No. 98/50658 disclose forming a guide rail from the carrier plate, one with ordinary skill in the art would not be motivated to provide the guide rail of PCT Patent Application No. 98/50658 with a slot since said slot would destroy the sealing characteristics of the carrier plate.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi et al., Morando, Kollner et al., Engelsberger et al. '157 and '580 are cited for disclosing a guide rails for a cable drive window regulator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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October 1, 2003